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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,248	05/31/2000	Annegret Janssen	96-082-1-US-01	3770

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12/05/2003

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EXAMINER

LORENZO, JERRY A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 12/05/2003

24

Please find below and/or attached an Office communication concerning this application or proceeding.

clo 24

Office Action Summary

Application No.

09/584,248

Applicant(s)

JANSSEN, ANNEGRET

Examiner

Jerry A. Lorengo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,42,43,48,63,66,74 and 88-105 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42,43,48,63,66 and 101-105 is/are allowed.
- 6) ☒ Claim(s) 6,74 and 88-100 is/are rejected.
- 7) ☒ Claim(s) 105 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 20,22,23. 6) ☐ Other: _____

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DETAILED ACTION

(1)

Claim Objections

Claim 105 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 105, which depends from claim 48, discloses that the continuous film applied to the substrate has an areas coating weight of less than about 10 g/m². Claim 48, however, already sets forth this limitation.

(2)

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 90 and 92-96 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 90 and 92-96 recite the limitation "said first substrate." There is insufficient antecedent basis for this limitation in the claim.

(3)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

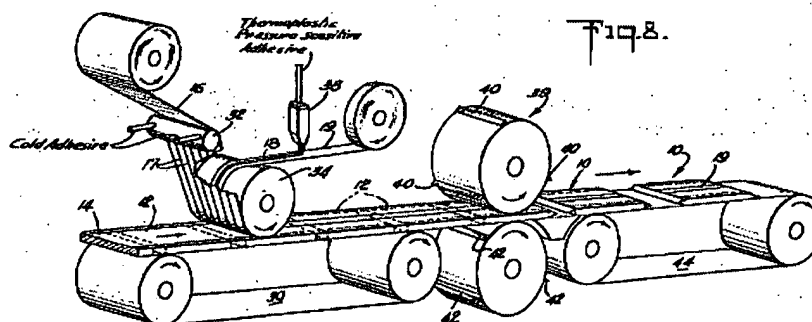
The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,595,237 to Sargent et al. in view of U.S. Patent No. 5,591,154 to Dare et al..

Sargent et al. disclose a coating method wherein a hot melt adhesive, made thermally flowable (column 3, lines 40-45), is provided in the form of a substantially continuous nonporous stripe 18 (Figures 3 and 18) without contact between the film 18 and the substrate 19 (see Figure 8 showing the nozzle 38 spaced from the substrate 19), and said film 18 is then disposed upon a release-coated substrate comprising a web 19 (column 4, lines 48-57) and is then transfer-coated onto a second substrate 16, i.e., an absorbent pad (column 4, lines 57-59). The method of Sargent is illustrated below:



Although Sargent et al. does not specifically disclose that the adhesive 18 is applied as a "film", it would have been obvious to one of ordinary skill in the art at the time of invention to apply the adhesive 18 of Sargent in the form of a film onto the release-coated substrate motivated by the fact that Dare et al., also drawn to methods for the disposal of an adhesive onto an absorbent pad from a release liner which has been provided with adhesive via extrusion, discloses that the adhesive may be applied in the form of an adhesive film (column 5, lines 1-19).

(4)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 74 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,783,072 to Korpman.

Regarding applicant claim 74, Korpman discloses a method of coating comprising (Figure and column 7, line 57 to column 8, line 20):

(1) Releasing a hot melt adhesive 28 made thermally flowable from a coating device 20 onto a substantially nonporous substrate 29 (comprising an impregnated Kraft paper with a release coating on one side thereof) as a substantially continuous film without contact between the coating device 20 and a substrate 29 (as shown in the Figure, below); and

(2) Simultaneously (column 6, lines 56-60) contacting the substrate 29 with the continuous film of adhesive 28 and nipping the continuous film 28 and the substrate 29 between a first 31 and second roller 32 to form a coated substrate 33.

Korpman also disclose that the hot melt adhesive composition comprises a thermoplastic polymer and a tackifying resin (column 2, lines 23-31).

(5)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 88-90 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,197,419 to Hyde et al.

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Regarding applicant claim 88, Hyde et al. disclose a coating method comprising (column 10, lines 42-46):

(1) Releasing a hot melt adhesive composition that has been made thermally flowable from a coating device 140 in the form of a continuous film without contact between the coating device 140 and a substrate (roller) 160 (Figure 1);

(2) Contacting a first roller 160 with the continuous film; and

(3) Transferring the continuous film from the first roller 160 to a substrate 150.

Hyde et al. also disclose that the hot melt adhesive comprises a thermoplastic polymer and a tackifying resin (column 4, line 66 to column 5, line 6).

Regarding applicant claim 89, Hyde et al. disclose that the continuous film and the substrate 150 are nipped between the first roller 160 and a second roller 170 (column 10, lines 42-46).

Regarding applicant claim 90, Hyde et al. disclose that the substrate 150 may comprise a release liner, i.e., a film (column 10, lines 41-46).

(6)

Claims 91-93 and 95-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,197,419 to Hyde et al., as set forth in section (5), above, view of WO 96/25902 to Werenicz et al. and "Extrusion Coating & Laminating" by Mainstone.

Although Hyde et al. disclose that the adhesive may be coated on a roller and transferred to a substrate web, they do not specifically disclose, as per applicant claim 91, that the exposed surface of the continuous film is contacted with a second substrate. Likewise, they do not specifically disclose the materials or material combinations set forth in applicant claims 92-100.

It would have been obvious to one of ordinary skill in the art at the time of invention to do so motivated by the fact that Werenicz et al., also drawn to coating methods wherein a hot melt adhesive (composed of a thermoplastic polymer and tackifying resin) made thermally flowable is released from a coating device in the form of a substantially continuous film without contact between the coating device and a substrate, disclose that it is known to contact the exposed surface of the continuous film, coated on the first substrate 1, with a second substrate 2 to form a laminate (Figure 1).

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Furthermore, the first and second web material combinations set forth in claims 92-100 would have been obvious to one of ordinary skill in the art at the time of invention given that both Werenicz et al. and Mainstone, also drawn to coating methods wherein a hot melt adhesive made thermally flowable is released from a coating device in the form of a substantially continuous film without contact between the coating device and a substrate, disclose, as per applicant claims 92-100, that the first and second substrate materials may comprise both porous webs (woven and non-woven textile webs, tissue, elastomeric strands or webs, etc.) and nonporous substrate webs (cellophane, biaxially oriented polyester and polypropylene films, nylon film, metal foils, polyethylene coated paperboard, etc.) (page 7, lines 18-29 of Werenicz et al. and page 195, columns 1, 2 and 3 of Mainstone), or sheets instead of webs. Mainstone also discloses that the substrates can be printed prior to extrusion coating and may also comprise transparent films such as cellophane (page 196, column 3, page 195, column 2).

(7)

Claim 94 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as combined in section (6), above, in further view of U.S. Patent No. 5,591,250 to Migliorini et al.

Although neither Werenicz et al. nor Mainstone specifically disclose that the first and second substrates may comprise a metallized film, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize such a material in the method resulting from the references as combined in section (6), above, motivated by the fact that Migliorini et al. discloses that such films exhibit greater flexibility and decreased gas permeability as compared to the typical metal foil laminates and exhibit excellent bond strength in both adhesive and extrusion lamination (column 1, lines 25-31; column 4, lines 1-8).

(8)

Allowable Subject Matter

Claims 42, 43, 48, 63, 66 and 101-105 have been found to be allowable over the prior art of record. The following is a statement of reasons for the indication of allowable subject matter:

Methods for the coating of substrates whereby a hot melt adhesive, made thermally flowable from a coating device, is disposed onto a substrate web as a substantially continuous film without contact between the coating device and the substrate, such as taught by Werenicz et al. and Mainstone, are known in the art. Although Werenicz et al. disclose the coating weight and

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viscosity limitations set forth in applicant claims 42, 43, 48, 63 and 68 as applied to porous substrates, none of the prior art of record specifically teaches or suggests such a method wherein the hot melt adhesive with such a viscosity is applied in such coating weights onto nonporous substrates.

(9)

Response to Amendments and Arguments

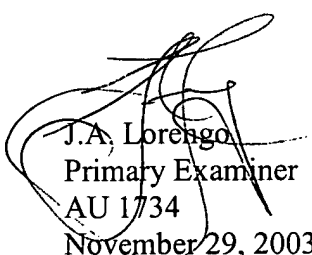
The amendments and arguments filed September 16, 2003 are acknowledged. In response to the arguments, claims 6, 74 and 88-100 have been rejected under a new grounds of rejection. In addition, claims 42, 43, 48, 63, 66 and 101-105 have been indicated as allowable in response to the applicant's arguments and a reconsideration of the prior art of record. Applicant's arguments with respect to claims 6, 74 and 88-100 have been considered but are moot in view of the new ground(s) of rejection.

(10)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry A. Lorengo whose telephone number is (703) 306-9172. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. Please note that after December 18, 2003 the examiner can be reached at (571) 272-1233. This change is due to the relocation of Patent Office facilities to a new campus. Also note that all patent application related correspondence transmitted by FAX must be directed to the central FAX number at 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



J.A. Lorengo
Primary Examiner
AU 1734
November 29, 2003